

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 45 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? -No.
2. To be referred to the Reporter or not?-No.

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3. Whether Their Lordships wish to see the fair copy of the judgement?-No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No.
5. Whether it is to be circulated to the Civil Judge?-No.

PUNAMBHAI SHANKARBHAI RATHOD

Versus

KHEDA DIST PANCHAYAT

Appearance:

MR AKIL KURESHI for Petitioner
Mr N.P. Nanavaty, for
MR ND NANAVATI for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 04/04/97

ORAL JUDGEMENT

The petitioner is a Primary Teacher under the District Primary Education Officer, Kheda District Panchayat. The petitioner was ordered to be transferred from the Primary School at Raijipura to the Primary

School at Kasari as per Order dated September 28, 1993, at Annexure 'A'. Pursuant to his representation, the transfer order was cancelled, vide order dated October 20, 1993. However, again, by order dated November 1, 1993 (Annexure 'E'), the petitioner was again transferred from Raijipura to Kasari. The said order of transfer came to be challenged by the petitioner on various grounds.

2. After issuing notice to the respondents, on January 10, 1994, this Court admitted the petition and granted ad interim relief, restraining the respondents from implementing, executing and operating the said impugned order of transfer, as the respondents did not appear in response to the notice at the admission stage.

3. At the final hearing today, Mr.N.P. Nanavati, learned Advocate for the respondent-District Panchayat, has submitted an affidavit dated February 24, 1994 of Vinaychandra Natverlal Desai, on behalf of the District Primary Education Officer, Kheda. It has been stated in the affidavit that after passing of the impugned order, the petitioner had submitted an application to accommodate him by changing the place of his transfer and he had requested to transfer him to village Uneli, instead of village Kasari. It has further been stated in the affidavit that the said request of the petitioner has been accepted and the petitioner is now transferred to village Uneli at his own request. Mr. Nanavati has produced on record the order dated December 30, 1993, transferring the petitioner to Uneli.

4. In view of the aforesaid developments, as stated in the affidavit on behalf of respondent No.2, it is clear that the respondents have withdrawn the impugned transfer order dated November 1, 1993 and the petitioner's request to transfer him to Uneli has been accepted.

5. In view of the above development, the petition has become infructuous and deserves to be dismissed. Since the affidavit-in-reply has been served upon Mr.Kureshi, learned Advocate for the petitioner only today, he has prayed that liberty may be granted to the petitioner to move the Court in case of difficulty. Liberty as prayed for is granted.

6. Rule is discharged with no order as to costs. Ad interim relief stands vacated.

(apj)